THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.725 of 2006

Dated: 31-01-2006

S. Venkatachalapathy and three others.

..... PETITIONERS

AND

The Commissioner (ROM) Office of the Chief Commissioner of Land Administration, Hyderabad, and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.725 of 2006

ORDER:

The four petitioners are the sons of one Venkatarama Naidu. The father of the petitioners was granted a ryotwari patta under Section 11 (a) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 ('the Act' for brevity). It appears the Director of Settlements *suo motu* reviewed the proceedings of the Assistant Settlement Officer being R.P.No.380/76 (B) and by order, dated
27-11-2003, cancelled the patta. Aggrieved by the same, the petitioners preferred a revision under Section 7 (d) of the Act before the first respondent, who by proceedings, dated 02-08-2004, stayed the proceedings of the Director of Settlements and further directed the Revenue Officials in the lower hierarchy to furnish the connected records for disposal of the revision petition filed by the petitioners. For the purpose of this writ petition, according to the petitioners, cause of

action arose when the fifth respondent encouraged the third parties to trespass into the land and tried to alienate the land. Therefore, they filed the present writ petition questioning the propriety of the fifth respondent in trying to induct third parties into possession of the land and to alienate the land in favour of third parties.

The matter was initially listed before the Vacation Court on 11-01-2006. The matter was adjourned to enable the Assistant Government Pleader for Revenue (General) to get instructions in the matter. After getting instructions in the matter, the learned Assistant Government Pleader submits that there is no enjoyment of the land and that the land is vacant covered with bushes and shrub growth and also submits that at present there is no proposal for assignment or alienation of the land. The same is recorded.

This Court further observes that as the first respondent has already stayed the proceedings of the Director of Settlements, the patta granted in favour of the petitioners' father in 1965 is still in force and all the rights that flow from the patta can be enjoyed by the petitioners, who are the legal heirs of Venkatarama Naidu, to whom the patta was granted. Until the revision petition is disposed of by the first respondent, the Revenue Officials at the lower level can neither interfere with the petitioners' possession, if the petitioners are in possession as on today, nor cancel the patta or alienate the land to third parties. The revision petition filed by the petitioners is pending before the first respondent for more than one year, therefore, it would be in the interests of justice to direct the first respondent to dispose of the revision petition in Ref.No.P1/717/2004, after giving notice to the petitioners, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

31st January, 2006.

Note: Issue CC in one week.

B/o

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